

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

JEROME WASHINGTON, ET AL

CIVIL ACTION NO. 20-cv-0118

VERSUS

JUDGE ELIZABETH E. FOOTE

U V LOGISTICS, LLC, ET AL

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Jerome and Veronica Washington (“Plaintiffs”) filed this civil action for damages arising out of a motor vehicle accident. Plaintiffs sued their UM insurance provider, Travelers Property Casualty Insurance Company (“Travelers”); Johnathan Salter (“Salter”), the operator of the other vehicle involved in the accident; and UV Logistics, LLC (“UV Logistics”), Salter’s insurer. Salter and UV Logistics removed the case to this court on the basis of diversity jurisdiction, which puts the burden on them to set forth specific allegations that show complete diversity of citizenship of the parties and an amount in controversy over \$75,000.

The notice of removal alleges that the amount in controversy requirement is met because Mr. Washington’s current medical expenses are \$91,193.79. The notice also alleges that defendant Salter is a domiciliary of Louisiana. Those allegations are sufficient. However, there are deficiencies in the notice of removal that must be cured before the court can determine whether diversity jurisdiction exists.

The notice of removal alleges that UV Logistics is “a Delaware limited liability company with its principal place of business in Louisiana.” The citizenship of an LLC is

determined by the citizenship of all of its members, with its state of organization or principal place of business being irrelevant. Harvey v. Grey Wolf Drilling Co., 542 F.3d 1077 (5th Cir. 2008). “A party seeking to establish diversity jurisdiction must specifically allege the citizenship of every member of every LLC or partnership involved in a litigation.” Settlement Funding, L.L.C. v. Rapid Settlements, Ltd., 851 F.3d 530, 536 (5th Cir. 2017). If the members are themselves partnerships, LLCs, corporations or other form of entity, their citizenship must be alleged in accordance with the rules applicable to that entity, and the citizenship must be traced through however many layers of members or partners there may be. Mullins v. TestAmerica Inc., 564 F.3d 386, 397-98 (5th Cir. 2009); Rodidaco, Inc. v. Chesapeake Energy Louisiana Corp. 2018 WL 3551525 (W.D. La. 2018). The removing defendants must file an amended notice of removal that specifically alleges the citizenship of each member of UV Logistics.


The notice of removal does not contain any allegations regarding the citizenship of Travelers. The petition filed in state court merely states that it is a foreign insurer. If it is a corporation, the amended notice of removal must specifically allege its state of incorporation and the state in which it has its principal place of business. 28 U.S.C. § 1332(c)(1); Joiner v. Diamond M Drilling Co., 677 F.2d 1035, 1039 (5th Cir. 1982). If it is an LLC or other form of unincorporated entity, the notice must allege its citizenship in accordance with the rules set forth above.

The notice of removal alleges that Jerome Washington is a “resident of Rockwall, Texas” and therefore a citizen of Texas. The notice does not contain any allegations regarding Veronica Washington’s citizenship. It is domicile rather than mere residency

that decides citizenship for diversity purposes, and “an allegation of residency alone ‘does not satisfy the requirement of an allegation of citizenship.’” Midcap Media Finance, LLC v. Pathway Data, Inc., 929 F.3d 310, 313 (5th Cir. 2019), quoting Strain v. Harrelson Rubber Co., 742 F.2d 888, 889 (5th Cir. 1984). The petition filed in state court did state that Jerome and Veronica Washington are “both domiciled in Rockwall County, Texas.” To ensure that the removing defendants have met their burden, they should include in their amended notice of removal specific allegations regarding the citizenship/domicile of both Washingtons.

The removing defendants must file their amended notice of removal by **February 12, 2020**.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 29th day of January, 2020.



Mark L. Hornsby
U.S. Magistrate Judge